

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 17-10884-elf**
Patrick M. Harlow : **Chapter 13**
Kathleen M. Harlow : **Judge Eric L. Frank**
: *********

Debtor(s)

Wells Fargo, National Association, As : **Date and Time of Hearing**
Trustee For Structured Adjustable Rate : **Place of Hearing**
Mortgage Loan Trust Mortgage Pass- : **August 1, 2017 at 9:30 a.m.**
Through Certificates, Series 2004-5 : _____

Movant,

vs

: **U.S. Bankruptcy Court**
 : **900 Market Street**
 : **Philadelphia, PA, 19107**
Patrick M. Harlow
Kathleen M. Harlow

William C. Miller

Respondents.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO, NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED
ADJUSTABLE RATE MORTGAGE LOAN TRUST MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-5 TO FORECLOSE ON 1389 BRENTWOOD ROAD,
YARDLEY, PA 19067 (FIRST MORTGAGE)**

Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.

2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.

3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Patrick M. Harlow and Kathleen M. Harlow (collectively, "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on February 7, 2017, ("Petition").

5. Debtor is currently obligated to Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 , under the terms of a certain Note, dated February 20, 2004, in the original principal amount of \$403,500.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 , with respect to certain real property owned by the Debtor located at 1389 Brentwood Road, Yardley, PA 19067 (hereinafter "Mortgaged Premises") and being recorded in Bucks County Recordings Office at Instrument Number 036106 on March 12, 2004 in the Office of the Recorder of Deeds in and for Bucks County, Pennsylvania ("Mortgage").

7. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

8. Debtor has failed to make post-petition mortgage payments for the past 4 months, as of June 26, 2017.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The unpaid principal balance and the amount past due to Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 in post-petition arrearages are \$363,799.57 and \$14,643.00, respectively, as of June 26, 2017.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter
Karina Velter, Esquire (94781)
Kimberly A. Bonner (89705)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028

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Attorneys for Creditor

The case attorney for this file is Karina
Velter.

Contact email is kvelter@manleydeas.com

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Patrick M. Harlow : **Philadelphia, PA, 19107**
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo, National Association, As Trustee For Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-5 to foreclose on 1389 Brentwood Road, Yardley, PA 19067 (First Mortgage) was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA
19107

Brad J. Sadek, Attorney for Patrick M. Harlow and Kathleen M. Harlow, Sadek and Cooper,
1315 Walnut Street, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on July 6, 2017:

Patrick M. Harlow and Kathleen M. Harlow, 1389 Brentwood Road, Yardley, PA 19067

Chase, Attn: Correspondence Dept, P.O. Box 15298, Wilmington, DE 19850

DATE: July 6, 2017

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

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